

EXHIBIT 58



Federal Aviation
Administration

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Airworthiness Inspector's Handbook

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Airworthiness Inspector's Handbook, Order 8300.10

This Order is current through Change 25, dated October 10, 2006.

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make, or cause to be made, inspections, maintenance, overhaul, and repair of all equipment used in air transportation as required by the FA Act, orders, rules and regulations of the FAA.

F. *Section 606, Air Navigation Facility Rating.* The FAA is authorized to inspect, classify, and rate the suitability of any air navigation facility available for the use of civil aircraft. The Administrator is also authorized to issue a certificate for any such navigation facility.

G. *Section 607, Air Agency Rating.* The FAA is authorized to provide for examination and rating of air agencies such as civilian flight schools, repair stations, and other air agencies. The Administrator is also authorized to issue certificates for these schools, repair stations, and agencies.

H. *Section 608, Forms of Applications.* The FAA is authorized to prescribe the form and content of applications for certificates. The Administrator may also require that these applications be administered under oath.

I. *Section 609, Amendment, Suspension, and Revocation of Certificates.* The FAA may issue orders which amend, modify, suspend, or revoke, in whole or in part, any type of certificate issued. Any person whose certificate is affected by an order of the Administrator under this section may appeal the Secretary's order to NTSB.

J. *Section 610, Prohibitions.* This section prohibits any person or organization from conducting any air commerce operation without proper certification or hiring personnel who are not properly certificated. This section also prohibits persons or organizations from performing any aviation services contrary to regulations prescribed under Title VI.

K. *Section 611, Control and Abatement of Aircraft Noise and Sonic Boom.* The FAA, after consultation with the Secretary of Transportation and the Environmental Protection Agency, shall prescribe and amend standards and regulations for the measurement of aircraft noise and sonic boom.

L. *Section 612, Airport Operating Certificates.* The Administrator is authorized to issue or exempt airport operating certificates to airports serving air carriers certificated by the DOT and to establish safety standards for the operation of these airports.

21. THE PRIVATE SECTOR RESPONSIBILITIES. The term "private sector", when applied to aviation, includes all individuals and organizations participating in air commerce. Individuals and organizations such as pilots, mechanics, air carriers, air operators, air agencies, and manufacturers participate directly in air commerce, while other individuals and organizations such as vendors, food caterers, travel agents, baggage handlers, and aircraft sales participate indirectly.

A. The FAA, which represents part of the "public sector", has the duty as authorized by the FA Act under Title VI, "Safety Regulations of Civil Aeronautics", to establish minimum standards, rules, and national policy that provide for national security and safety in air commerce. This responsibility for aviation safety, however, does not rest entirely with the FAA.

B. Persons or organizations of the "private sector" also have an obligation to provide for public safety. All airmen, air carriers, aircraft owners and operators, air agencies, and certain airport operators who qualify for and accept an FAA certificate assume these "private sector" responsibilities. A major part of air commerce is conducted by private persons or organizations engaged in air transportation. These persons or organizations are referred to as air carriers and are involved in the common carriage by aircraft of persons, property, or mail for compensation or hire.

C. The FA Act requires a classification of safety standards appropriate to the differences between air transportation and other forms of air commerce. Therefore, safety standards applicable to air transportation (air carriers) are more stringent than standards applicable to persons or organizations not involved in common carriage.

23. AIR OPERATOR RESPONSIBILITIES FOR PUBLIC SAFETY

A. *Consideration of Safety and the Public Interest.* Section 601(b) of the FA Act specifies, in part, that when

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prescribing standards and regulations and in issuing certificates, the FAA shall give full consideration "to the duty resting upon air operators to perform their services with the highest possible degree of safety in the public interest . . ." In other words, the FA Act charges the FAA with the responsibility of promulgating and enforcing adequate standards and regulations. At the same time, the FA Act recognizes that holders of air operator certificates have a direct responsibility for providing air transportation with the highest possible degree of safety. The meaning of Section 601(b) of the FA Act should be clearly understood. It means that this responsibility rests directly with the air operator, irrespective of any action taken or not taken by an individual FAA Inspector or the FAA.

B. Complying with the FA Act and the Federal Aviation Regulations. Before certification, the FAA's objective is to make a factual and legal determination that a prospective certificate holder is willing and able to fulfill its duties as set forth by the FA Act and comply with minimum standards and regulations prescribed by the FAA. This objective continues to exist after certification.

(1) If a certificate holder fails to perform its services with the highest degree of safety or fails to comply with the minimum standards and regulations, Section 609 of the FA Act specifies that the certificate may be amended, modified, suspended, or revoked in whole or in part.

(2) Additionally, Section 605(b) generally provides that whenever an inspector finds that any aircraft, aircraft engine, propeller, or appliance used or intended to be used by any air operator in air transportation is not in condition for safe operation, the inspector shall notify the operator and the product shall not be used in air transportation unless the FAA subsequently finds it to be in a condition for safe operations.

C. Non-Compliance. The following are conditions and/or situations which could indicate that an air operator is unable and/or unwilling to carry out its duties as set forth by the FA Act.

(1) Repetitive noncompliance with the minimum standards and regulations is indicative that the air operator

is incapable or unwilling to perform services with the highest possible degree of safety. Air operators must demonstrate the ability to consistently comply with the minimum standards and regulations without constant FAA surveillance. Circumstances that indicate a need for constant surveillance of all operations of an air operator should provide sufficient reasons and evidence to invoke the provisions of Section 609 of the FA Act to suspend or revoke the certificate or to amend the operating authority specified in operations specifications.

(2) Inadequate knowledge of minimum standards, regulations, or safe operating practices displayed by air operator management personnel may indicate a lack of concern for the duty of the air operator as recognized in the FA Act. A lack of knowledge and/or understanding of minimum standards and safe practices displayed by an air operator's employees is evidence that the air operator is not providing sufficient training and guidance required by current regulations and, consequently, not fulfilling its duties.

(3) Current regulations specify the certificate holder is responsible for the operational control and airworthiness of its aircraft. Control and discipline of an air operator's employees and agents are essential factors in fulfilling these responsibilities. The inability or lack of motivation to exercise such operational and/or quality airworthiness control clearly indicates that an air operator cannot or will not fulfill its duty.

(4) Accurate recordkeeping is a key factor in assuring positive operational and quality airworthiness control. Accurate recordkeeping is the only known method for an air operator to show continuing compliance with the minimum standards and regulations. Usually, compliance can only be substantiated by records and should never be presumed. Inaccurate and/or incomplete records should not be condoned. Knowing and willful falsification or alteration of records is a misdemeanor under Section 902(e) of the FA Act and should be promptly prosecuted in accordance with the appropriate provisions of the applicable statutes and regulations.

D. Higher Standards. The FA Act and current regulatory policies recognize the safety duties of air operators. Consequently, only minimum standards and regulations have been promulgated. These policies consider the concepts of private rights and public responsibilities. However, public safety and national security must be among the FAA's highest priorities.